

Sub B<sup>1</sup> 7  
1.(Amended) A plant which confers resistance to pathogenic fungi, comprising a gene encoding an anti-bacterial peptide, with the proviso that the peptide is not atacin, lysozyme, cecropin.

2.(Amended) [A] The plant according to claim 1, wherein the pathogenic fungi are [Rhizoctonia solani, Pythium aphanidermatum, and Phytophthora infestans] Rhizoctonia solani, Pythium aphanidermatum, and Phytophthora infestans.

3. (Amended) [A] The plant according to claim 1, wherein the anti-bacterial peptide is [derived] from [the] a Diptera insect.

a'  
4.(Amended) [A] The plant according to claim 3, wherein the anti-bacterial peptide [derived] from the Diptera insect is Sarcotoxin 1a.

Sub B<sup>2</sup>  
5.(Amended) [A] The plant according to claim 3, wherein [a] the gene encoding the anti-bacterial peptide [derived] from the Diptera insect is introduced into a plant in a form selected from the group consisting of: a recombinant gene [containing the gene encoding the anti-bacterial peptide derived from the Diptera insect]; an expression cassette in which [the] a recombinant gene is [bound] operably linked to a plant promoter; and an expression vector [composed of] comprising [the expression cassette and] a drug resistant gene linked to a plant promoter which is constitutively expressed.

6.(Amended) [A] The plant according to claim 5, wherein the [recombinant] gene which encodes the anti-bacterial peptide [derived] from the Diptera insect is bound to a plant gene via a hinge region of a tobacco chitinase.

7.(Amended) [A] The plant according to claim 5, wherein the antibacterial peptide is Sarcotoxin 1a bound to a signal sequence [of a plant protein] from a plant gene.

Sub B<sup>4</sup> 7  
10.(Amended) [A] The plant according to claim 9, wherein the expression vector further [has] ~~comprises~~ a T-DNA region and a drug resistant gene.

A<sup>2</sup>  
11.(Amended) [A] The plant according to claim 10, wherein the drug resistant gene is [expressed by] ~~operably linked to~~ the Cauliflower mosaic virus 35S promoter.

~~12.(Amended)~~ 12.(Amended) A plant with resistance to pathogenic bacteria, comprising a gene selected from the group consisting of: a recombinant gene [in which] ~~comprising~~ a gene encoding an anti-bacterial peptide [is] bound to a plant gene via a hinge region of tobacco -chitinase, an expression cassette [in which] ~~comprising~~ [the] a recombinant gene [is] [bound] ~~operably linked~~ to a plant promoter, and [a gene having the] an expression cassette [and] ~~comprising~~ a drug resistance gene ~~operably linked~~ to a plant promoter which is constitutively expressed.

A<sup>3</sup> SUB B<sup>6</sup> 7  
18.(Amended) An expression cassette [in which] ~~comprising~~ the recombinant gene of claim 15 [is bound] ~~operably linked~~ to a plant [promoterhaving] ~~promoter~~ [resistance to pathogenic fungi].

A<sup>4</sup> SUB B<sup>8</sup> 7  
20.(Amended) A plant which confers resistance to pathogenic fungi and bacteria, comprising a gene encoding a peptide which has anti-fungal and anti-bacterial activity, with the proviso that the peptide is not atacin, lysozyme, cecropin.

#### REMARKS

Claims 1-20 are pending in the present application. In the Office Action, the Examiner requested that a copy of the English translation of one of the priority applications (8-187763) be provided. A copy of the translation is enclosed. In addition, the Examiner suggested that the title of the application be changed. Applicants believe, however, that the current title is descriptive of the broad invention disclosed and claimed here.